

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 11-cv-0416 JB/SMV

MARK HOPKINS, et al.,

Defendants.

**ORDER DENYING AS MOOT
UNITED STATES' MOTION FOR PROTECTIVE ORDER**

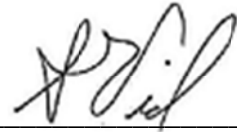
THIS MATTER is before the Court on the United States' Motion for Protective Order to Quash Hopkins' Discovery Under Fed. R. Civ. P. 26(c) [Doc. 111] ("Motion"), filed on September 25, 2012. Defendant Mark Hopkins responded on October 5, 2012. [Mark] Hopkins' Reply [sic] to United States' Motion for Protective Order to Quash Hopkins' Discovery Under Fed. R. Civ. P. 26(c) [Doc. 113] ("Response"). No other party responded, and the government did not reply. The Court, having reviewed the briefing, record, and relevant law and being otherwise fully advised in the premises, finds the Motion is moot and should be DENIED.

The government moves for a protective order quashing the interrogatories and requests for production served by Defendant Mark Hopkins on seven individual IRS agents. Motion [Doc. 111] at 1. The government correctly asserts that Fed. R. Civ. P. 33 and 34 provide for interrogatories and requests for production on parties only and not on non-parties. *Id.* Accordingly, the government seeks an order relieving the non-party agents from responding. *Id.*

Mr. Hopkins concedes and withdraws the discovery requests served on the agents. Response [Doc. 113] at 1–2, 4.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States’ Motion for Protective Order to Quash Hopkins’ Discovery Under Fed. R. Civ. P. 26(c) [Doc. 111] is **DENIED as moot**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is positioned above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge